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EPA Region 5 Records Ctr.



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June 27, 2006

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Wilson P. Funkhouser  
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wfunkhouser@fvldlaw.com**VIA FACSIMILE TO +1 (312) 886-0747**Ms. Mary L. Fulghum  
Associate Regional Counsel  
US Environmental Protection Agency  
77 West Jackson Boulevard  
Chicago, Illinois 60604-3507*Re: 242 E. Ohio Street, Chicago, Illinois – General Notice Letter*

Dear Ms. Fulghum:

Today I received the letter of Ms. Linda M. Nachowicz dated June 21, 2006, a copy of which you faxed to me Thursday.

I would appreciate an extension of forty-five days (until August 9, 2006) to respond. As you know, the U.S. EPA has not yet approved the work plan that has been submitted although Mr. Clegg is responding to what we hope are final comments on the plan provided by Ms. Simon. Moreover, we understand that Performance Evaluation (PE) samples are currently being analyzed by RSSI, the radioanalytical laboratory for this project.

Although we intend to proceed to complete the Removal Action as described in the Work Plan as soon as possible after U.S. EPA's approval (and in any event during the current construction season), we will not break ground during June or possibly even in July. The first step in the implementation of the work plan will be driving metal sheeting near the foundation of the building on the east side of the property and around the perimeter of the sidewalks on other three sides of the property. The timing of this work depends on U.S. EPA's approval of the work plan, acquisition of relevant permits from the City of Chicago and the schedule of the sheeting and shoring contractor.

As I have previously informed you, my client denies that it is a potentially responsible party ("PRP") with respect to thorium contamination at the above site. My client will not break ground except in accordance with a work plan approved by U.S. EPA. My client does not believe it is legally responsible for U.S. EPA's response costs under Section 107(a) of CERCLA in that it

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believes it can establish by a preponderance of evidence that it is an "innocent landowner." Nevertheless, as part of the preparation to implement the work plan that we hope is in the final stages of approval, my client and Fairbanks Development Associates are in the process of negotiating with Tronox an agreement under which such costs (proved up by U.S. EPA) will be paid. We anticipate that this agreement will be executed shortly after approval of the work plan by U.S. EPA.

I trust that this mitigates the concerns that led to Ms. Nachowicz's letter. In any event, U.S. EPA should not assume that my client is not interested in remediation of the subsurface thorium contamination at the site unless and until my client expressly so states.

Very truly yours,



Wilson P. Funkhouser

WPF/ms

cc: Thomas R. Carey, Esq.